



PATENT
CASE NAME/No.: SP00-118
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: ALLEN MARTIN W, et al.

Serial No: 09/558770

Art Group Unit: 2874

Filing Date: 4/26/2000

Examiner: Hemang Sanghavi

Title: AN OPTICAL FIBER AND A METHOD
FOR FABRICATING A LOW
POLARIZATION-MODE DISPERSION
AND LOW ATTENUATION OPTICAL
FIBER

RESPONSE

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Andava
1/29/03

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated December 31, 2002, designated as Paper No. 5 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

Group I. Claims 1 – 23, 31 – 57, and 83-97, drawn to a method of manufacturing an optical fiber, classified in class 65, subclass 385; and

Group II. Claims 24 – 30 and 58 - 82, drawn to an optical fiber, classified in class 385, subclass 123.

The Examiner asserted that these inventions may be regarded as independent and distinct from one another because the product as claimed can be made by another and materially different process such as sol-gel process, plasma utilized process, or ion exchange process.

Applicants respectfully traverse the Examiner's Restriction Requirement on the grounds that the proposed inventions are inextricably intertwined, and prosecution of the proposed groups of claims together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues

and evaluations for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

As such, Applicant respectfully requests that the Examiner withdraw the Restriction Requirement in the next subsequent Office Action, and continue prosecution of Groups I and II together with one another.

In the event the Examiner does not withdraw the Restriction Requirement, applicants hereby select group I, claims 1-23, 31-57, and 83-97, drawn to a method of manufacturing an optical fiber.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Robert L. Carlson at 607-974-3502.

Respectfully submitted,

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Date: January 13, 2002

CERTIFICATE OF MAILING UNDER 37 C.F.R.

§ 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Assistant Commissioner of Patents, Washington, DC 20231 on January 13, 2002


Robert L. Carlson, Signature